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Attention: **USPTO Petitions**

Date: **7/12/05**

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Number of Pages: **4**

Fax Number: **1-703-872-9306**

Voice Number:

From: **M. Reid Russell**

Company: **None**

Fax Number: **435-635-3016**

Voice Number: **435-635-3579**

Subject: **Petition for Revival Serial No: 10/774,007**

Comments:

**These pages did not transmitt with the earlier Transmission Three
Pages- Affidavitt so I am Resending.**

M. Reid Russell

JUL 12 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Monte B. Willis

Examiner: Son T. Nguyen

Serial No; 10/774,007

Art Unit: 3643

Filed: February 9, 2004

For: HORSE SADDLE FENDER BENDER

AFFIDAVIT OF M. REID RUSSELL

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMES NOW the affiant, M. Reid Russell, being duly sworn, deposes and swears as follows:

1. I am Registered Patent Attorney, Reg. No. 26,226, attorney for Monte B. Willis, the applicant of the above-referenced patent application.
2. I received A First Patent Office Action on the subject patent application dated November 15, 2004, and responded with an Amendment and Response to the Office Action on February 9, 2005, a copy of Amendment and Response in here included.
3. The Amendment and Response included a Certificate of Mailing also dated February 9, 2005 and a 3 by 5 receipt card was also included, a copy of which receipt card is here enclosed showing a receipt date of February 15, 2005.
4. I did not receive a telephone call from the Examiner, as I have from some Examiners, questioning where I intended to let the case go abandoned for failure to file a response, and had I

received such call I could certainly have cleared up the matter before the case when abandoned.

5. Upon receipt of the Notice of Abandonment, copy enclosed, I tried to contact the Examiner by telephone and received a busy signal, and thereafter tried to reach his Supervisor and also received a busy signal and later tried the telephone numbers again and received a recorded message that the numbers had been disconnected.

6. Applicant, through his attorney, respectfully submits that this affidavit and the enclosures herewith clearly establish that the abandonment was unavoidable and accordingly the application should be restored and applicant's Amendment and Response should be considered, which revival applicant's attorney respectfully requests and, additionally, as the actions taken by the undersigned were timely and within the rules, applicant's attorney believes that the Petition Fee should be returned, and respectfully requests same.

Respectfully submitted,

M. Reid Russell
854 West 3390 South
Hurricane, Utah 84737
435-674-5739

Dated this eleventh day of July 2005.



M. REID RUSSELL

State of Utah)

:ss

County of Washington)

SUBSCRIBED AND SWORN to before me, a Notary Public, this 11 day of

July, 2005.

Geneva C. Bringhurst
Notary Public
Residing at: Hurricane Utah

My Commission Expires:

11-26-2006

